JG

DISTRICT OF COLUMBIA

STATEHOOD CONSTITUTIONAL CONVENTION

Wednesday, April 28, 1982
6:50 o'clock p.m.

Auditorium, 9th Floor
929 E Street, N.W.
Washington, D.C.

Presiding:

Charles Cassell, President
James Baldwin, First Vice President
Janette Harris, Second Vice President
Alexa Freeman, Third Vice President
William Cooper, Secretary

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P R O C E E D I N G S

PRESIDENT CASSELL: Call the convention to order. We are getting started later and later now. There wasn't any food when we first got here. I hope the eating doesn't hold us up too much. Maybe we can eat while we meet. The time is 6:44. Let me ask everybody to come into the room so that we can begin. [Five-minute pause for delegates to get seated.]

Call the convention to order. May we have our moment of meditation. [Pause for silent meditation]

Mr. Secretary, would you read the roll.

SECRETARY COOPER: Delegate Baldwin.

DELEGATE BALDWIN: Here.

SECRETARY COOPER: Delegate Barnes. [No response]

Delegate Blount.

DELEGATE BLOUNT: Present.

SECRETARY COOPER: Delegate Bruning. [No response]

Delegate Cassell.

PRESIDENT CASSELL: Present.

SECRETARY COOPER: Delegate Clarke.

DELEGATE CLARKE: Here.

SECRETARY COOPER: Delegate Coates. [No response]

Delegate Cooper. Here.

Delegate Corn. [No response]

Delegate Croft. [No response]

Delegate Eichhorn.

DELEGATE EICHHORN: Here.

SECRETARY COOPER: Delegate Feely. [No response]

Delegate Freeman. [No response]

Delegate Garner. [No response]

Delegate Graham. [No response]

Delegate Harris. [No response]

Delegate Holmes. Delegate Holmes.

DELEGATE HOLMES: Here.

SECRETARY COOPER: Delegate Jackson.

DELEGATE JACKSON: Present.

SECRETARY COOPER: Delegate Johnson. [No response]

Delegate Jones.

DELEGATE JONES: Here.

SECRETARY COOPER: Delegate Jordan.

DELEGATE JORDAN: Here.

SECRETARY COOPER: Delegate Kameny.

DELEGATE KAMENY: Here.

SECRETARY COOPER: Delegate Lockridge. [No response]

Delegate Long.

DELEGATE LONG: Here.

SECRETARY COOPER: Delegate Love. [No response]

Delegate Maguire. [No response]

Delegate Marcus.

DELEGATE MARCUS: Good evening.

SECRETARY COOPER: Delegate Charles Mason.

DELEGATE C. MASON: Here.

SECRETARY COOPER: Delegate Hilda Mason.

[No response]

Delegate Brian Moore.

DELEGATE B. MOORE: Present.

SECRETARY COOPER: Delegate Jerry Moore. [No response]

Delegate Talmadge Moore. [No response]

Delegate Nahikian. [No response]

Delegate Nixon.

DELEGATE NIXON: Here.

SECRETARY COOPER: Delegate Oulahan.

DELEGATE OULAHAN: Here.

SECRETARY COOPER: Delegate Paramore. [No response]

Delegate Robinson.

DELEGATE ROBINSON: Here.

SECRETARY COOPER: Delegate Rothschild.

DELEGATE ROTHSCHILD: Here.

SECRETARY COOPER: Delegate Schrag.

DELEGATE SCHRAG: Here.

SECRETARY COOPER: Delegate Shelton.

DELEGATE SHELTON: Present.

SECRETARY COOPER: Delegate Simmons.

DELEGATE SIMMONS: Present.

SECRETARY COOPER: Delegate Street. [No response]

Delegate Terrell. [No response]

Delegate Thomas.

DELEGATE THOMAS: Here.

SECRETARY COOPER: Delegate Warren.

DELEGATE WARREN: Here.

SECRETARY COOPER: Mr. President, we have 24 delegates present.

PRESIDENT CASSELL: There being 24 members present, the convention is in order.

Let me ask the delegates, in order not to put a strain on the university's cleaning crew, please, since we have so much food in here, which means cups and papers and trash and so on, please take your trash with you and put it in a container when you finish eating. Thank you very much.

We are continuing hearing the judiciary committee tonight. Before Delegate Blount begins the presentation, Delegate Baldwin has asked for the floor.

DELEGATE BALDWIN: Mr. Chairman, at this time I would like to present suggested procedures for the presentation of proposals. I've passed around suggested procedures to each delegate, and I would like to take them ad seriatim, vote them up or down as we go along.

PRESIDENT CASSELL: Go ahead, sir.

DELEGATE BALDWIN: The following procedures are not in conflict with Chapter 3 of our rules, and I believe their adoption would allow for an orderly procedure of first readings of proposed articles.

Number one, committee proposals. One-A can be done if there is an agreement by common consent because I-A is just a restating of our rule. The committee chair and/or his designee shall present proposed articles for first readings before the convention.

If the body deems that as part of our stated rules, we could adopt that by general consensus. I so move.

DELEGATE SIMMONS: Second the motion.

DELEGATE BALDWIN: One-B: Prior to the question and answer period, the chair or its designee shall identify

committee members who will explain or defend the proposed sections. Other committee members shall respond only when the inquirer is not satisfied with the initial response.

You may want a division on B, I-B.

Delegate Simmons?

DELEGATE SIMMONS: Point of information. Mr. Chair, I thought I heard Delegate Baldwin say he would do these ad seriatim.

DELEGATE BALDWIN: Yes.

DELEGATE SIMMONS: Under number one, shouldn't we deal with A? I mean, I seconded it for the purpose of our going ahead and voting on that.

DELEGATE BALDWIN: Oh, my motion was to do it by consensus.

DELEGATE SIMMONS: Oh, oh, fine, all right, no problem.

DELEGATE BALDWIN: And when you say consensus, unless there's some objection--

DELEGATE SIMMONS: That's right. You're absolutely correct.

DELEGATE BALDWIN: Delegate Kameny.

DELEGATE KAMENY: Is this open for debate?

DELEGATE BALDWIN: Which one now, I-B?

DELEGATE KAMENY: I-B.

DELEGATE BALDWIN: If there's a second.

DELEGATE KAMENY: Is it in order for me to make a comment on it at this point?

DELEGATE BALDWIN: Sure, if there's a second.

DELEGATE SIMMONS: I second.

DELEGATE BALDWIN: It has been seconded.

DELEGATE KAMENY: I'm a little concerned about that because when we presented the--

DELEGATE BALDWIN: Which part, the first part of B?

DELEGATE KAMENY: The second sentence. When we presented the preamble section--and I believe when the judiciary committee presented its material, it's often extremely useful for everybody if a second committee member who has something to add to the question comes in. And at each point whenever a committee member indicated or I as the leader of the discussion, question and answer session, felt that another committee member could supplement what was said, that was brought in automatically. This would seem to preclude that, and I think somewhat lessens the value of the committee responses to those inquiring.

DELEGATE BALDWIN: I think if the person who is asking the question or seeking information is satisfied with

the first response by the committee, I don't see any need of committee members two, three, four, five, and six getting up and saying pretty much the same thing. Last night I took a tally. On one particular question six people out of the nine got up and restated what the answer was given the first time. I think if the person raising the question is satisfied with the first response, then why does that person have to listen to a lot of other people getting up saying the same thing?

DELEGATE KAMENY: I'll grant you that's an abuse. On the other hand, at other times valuable supplemental information is supplied. There's a sort of middle ground. The situation you indicate, yes, is abusive. But I think there's a kind of middle ground.

DELEGATE BALDWIN: I think the key word in that second sentence is "not satisfied." And, to me, if you're satisfied with the response, why belabor it?

Delegate Eichhorn.

DELEGATE EICHHORN: I wonder if the language could read: Other committee members shall respond at the request of the committee chair. Then it would be up to the chair to decide whether supplemental information is appropriate.

DELEGATE BALDWIN: I would accept that amendment.

DELEGATE EICHHORN: If there's a consensus on that,

that would--

DELEGATE SIMMONS: Second.

DELEGATE BALDWIN: It has been moved and properly seconded that the second sentence of I-B shall read: Other committee members--at the request of the chair?

DELEGATE EICHHORN: Shall respond at the request of the chair. Committee chair.

DELEGATE BALDWIN: Yes, yes, committee chair.

Those in favor of the--

DELEGATE JACKSON: Could you explain that again, Mr. Baldwin? I couldn't hear it.

DELEGATE BALDWIN: Will the secretary read--do you have the amended question that's on the floor?

SECRETARY COOPER: Yes. She wants to amend I-B so that rather than saying, "Other committee members shall respond only when the inquirer is not satisfied with the initial response"--

DELEGATE EICHHORN: No, no.

SECRETARY COOPER: I'm reading.

DELEGATE BALDWIN: He's reading the original first.

SECRETARY COOPER: I'm reading. Give me a break.

She would like it to read: "Other committee members shall respond upon the request of the committee chair."

DELEGATE SIMMONS: And I seconded it.

DELEGATE BALDWIN: It has been moved and properly seconded that the amended section of the last sentence shall read as the secretary just read. Are you ready for the question?

A DELEGATE: Question.

DELEGATE BALDWIN: Any discussion?

Those in favor, say, "Aye." [Response]

Opposed, "Nay." [Response]

The ayes have it and so ordered.

DELEGATE ROTHSCHILD: Point of order, Mr. Chairman.

DELEGATE BALDWIN: Yes.

DELEGATE ROTHSCHILD: We have--

DELEGATE BALDWIN: Will you state your point of order, please.

DELEGATE ROTHSCHILD: Yes. I'm stating it. In Chapter 6 of our rules we have a whole layout, 6.1, of procedure with which to propose amendments and changes to the rules of this convention. Among those rules are some that--final action may be taken by the convention only if at least two calendar days beforehand a copy has been delivered to each delegate by convention mail.

DELEGATE EICHHORN: Point of order, Mr. Chair.

Point of order. Is this an amendment to the rules?

DELEGATE BALDWIN: First, that is not a point of order. My initial statement on the introduction says, "The following procedures are not in conflict with Chapter 3"; and if you have a point of order, you would have to show that these items are in fact in conflict with Chapter 3, which I will rule.

DELEGATE ROTHSCHILD: There's no need to adopt them if they have already been adopted.

DELEGATE BALDWIN: We didn't say that, sir. You're on the floor to state a point of order. You have not stated a point of order.

DELEGATE ROTHSCHILD: I'm stating my point of order.

DELEGATE BALDWIN: Yes, but it's not accepted. Yours is not in fact a point of order.

DELEGATE ROTHSCHILD: Then I don't understand what we're doing because this is not on any agenda that I know of.

DELEGATE BALDWIN: The introductory paragraph states exactly what we are doing. And we are on I-B, and you are not speaking to I-B. Therefore, we'll move on.

PRESIDENT CASSELL: Would you continue, Mr. Vice President.

DELEGATE BALDWIN: I-C: "At the end of the 30

minutes allotted for the question and answer session, the convention must vote for additional time; the exact time period of extension must be included in the motion to extend the allotted time. At no time will the total period for question and answer exceed 75 minutes."

We'll probably need a division of that particular statement, as I see it, if you want to do it by division, in three distinct sections.

DELEGATE KAMENY: Question.

DELEGATE BALDWIN: Delegate Kameny.

DELEGATE KAMENY: Do I understand correctly that really the only substantive thing that this adds is the outer limit of 75 minutes?

DELEGATE BALDWIN: With the exception of point two, when you say must vote, even though the rule states we must vote, we haven't been doing it. In other words, the rule does say we must vote for an extension. In the past, in each instance, we have not voted. And my suggestion is that we do in fact vote on it each time. And that motion would include the amount of time you want to extend the period.

DELEGATE KAMENY: Suppose we vote, let us say, for 15 minutes and then there is a desire to make it another 15 minutes, which is still within your 75; is that permissible?

DELEGATE BALDWIN: Yes, it is.

DELEGATE KAMENY: By your intent?

DELEGATE BALDWIN: Yes, if you adopt the second and third part of that sentence.

DELEGATE KAMENY: Fine. Fine.

DELEGATE BALDWIN: Delegate Jackson.

DELEGATE JACKSON: I'd like to amend Section C, the last part.

DELEGATE BALDWIN: Since we're going to take them in order, let's see what they want to do with the first two parts.

DELEGATE JACKSON: Okay.

SECRETARY COOPER: It's all one sentence.

DELEGATE BALDWIN: We will do it by division, Mr. Secretary. The first part is really by consensus; we are stating what's in the rules. So, we can by consensus adopt the second part.

SECRETARY COOPER: What are we on, I-C?

DELEGATE BALDWIN: The point that says at the end of 30 minutes allotted for the question. Our rules have allotted us 30 minutes. So, we really don't have to debate that. We can by consensus just accept it because you've already accepted 30 minutes.

SECRETARY COOPER: We're on I-C, right? And he was offering an amendment to I-C. I-C is on the floor, isn't it?

DELEGATE BALDWIN: Mr. Secretary, we understand, and if you'll allow me to proceed, I-C is divided into three parts. And that's what we're trying to do. Mr. Kameny's question was whether or not couldn't we just start with part two and part three. Mr. Jackson's question deals with the 75 minutes. We would like to clear up the first two parts first before we get there.

Delegate Robinson.

DELEGATE ROBINSON: Samuel Robinson, Ward 5. I'd like to speak against the last sentence of I-C.

DELEGATE BALDWIN: Sir, we're on the first section, please.

DELEGATE ROBINSON: The first section?

DELEGATE BALDWIN: Yes. And if we can by consensus agree to at the end of 30 minutes allotted for the question and answer session, the convention must vote for additional time--that's from your rules. So, can we by consensus accept that?

SECRETARY COOPER: We don't need to accept it. It's already the rule. There's nothing we can do about it.

DELEGATE BALDWIN: Okay. Then allow us to move on.

The second part states that the exact time must be included in the motion. That is not in your rules. And Delegate Kameny asked for some clarification, and we gave him the clarification. Are there any other questions regarding the extension of time for a specific period?

Having heard none, I move the adoption of the second section that states the convention must vote for additional time and in the motion a specific time must be stated.

DELEGATE EICHHORN: Second.

DELEGATE BALDWIN: It has been moved and properly seconded for the extension of extended time with a designated time period. Are you ready for the question?

DELEGATE B. MOORE: I-C?

DELEGATE BALDWIN: Pardon?

DELEGATE B. MOORE: I-C?

DELEGATE BALDWIN: Yes, we're on I-C. Are you ready for the question? Those in favor, say, "Aye." [Response]

Opposed, "Nay." [Response]

The ayes have it. So ordered.

SECRETARY COOPER: Mr. Baldwin, what question are you on? We're still on I-C, right?

DELEGATE BALDWIN: We are now at the last sentence

of I-C: At no time will the total period for question and answer exceed 75 minutes.

Delegate Robinson.

DELEGATE JACKSON: No, sir, I had the floor.

DELEGATE BALDWIN: Oh, I'm sorry, you're right. Delegate Jackson has the floor.

DELEGATE JACKSON: I would like to amend it, the third part, to say the following: The total question and answer period shall exceed 75 minutes only at the will of two-thirds of the body. Then I'll explain why I want that.

SECRETARY COOPER: What was that?

DELEGATE JACKSON: I move that.

SECRETARY COOPER: What did you move?

DELEGATE BALDWIN: You have to wait for a second. and then we'll get it to you.

SEVERAL DELEGATES: Second.

DELEGATE BALDWIN: State it for the secretary, please. State it again, please.

DELEGATE JACKSON: The total period for the question and answer period shall exceed 75 minutes at the will of two-thirds of the body.

SECRETARY COOPER: No, that's arbitrary to the rules.

DELEGATE BALDWIN: No, you can't argue with him, sir, about his motion.

SECRETARY COOPER: The motion is out of order.

DELEGATE JACKSON: It's not out of order. I'm amending this.

SECRETARY COOPER: The rules say a majority can extend the time. We can't change the rules on the fly.

PRESIDENT CASSELL: Mr. Secretary, please. Don't interrupt.

SECRETARY COOPER: I'm not interrupting. I'm just pointing out that you should rule it out of order because it's out of order.

DELEGATE JACKSON: May I speak to it, Mr. Chairman, please?

PRESIDENT CASSELL: I am not ruling it out of order.

DELEGATE BALDWIN: Yes, sir.

DELEGATE JACKSON: First of all, it cannot be out of order.

SECRETARY COOPER: It can be out of order.

DELEGATE JACKSON: Look, why don't you shut up, man? Who the hell do you think you are?

PRESIDENT CASSELL: Mr. Secretary, please.

SECRETARY COOPER: But it's out of order, Mr. President.

PRESIDENT CASSELL: Mr. Secretary, you're disrupting now.

SECRETARY COOPER: I'm not disrupting. I'm trying to facilitate the process.

DELEGATE BALDWIN: But you can't call it out of order, Mr. Secretary. Please, you're in no position to call it out of order.

SECRETARY COOPER: I just requested it to be called out of order because I know that our rules state otherwise.

PRESIDENT CASSELL: The chair requests that you not be out of order, please, sir.

DELEGATE JACKSON: First of all, Mr. Chair, it cannot be out of order when a proposal for 75 minutes is put on the floor. Secondly, I put it for only one reason, one simple reason, is that there may be situations such as in the bill of rights that it cannot be done in 75 minutes. And two-thirds of the people present may have sense enough to know that, including Mr. Cooper. So, Mr. Chair, I move that this be put--it will be taken in excruciating situations--but the people would know better. And if two-thirds of the body voted for it--if they don't, they don't.

So, I move that, Mr. Chairman.

SECRETARY COOPER: Point of order.

DELEGATE JACKSON: Excuse me, if you keep--I'll pull you off that damn stage.

SECRETARY COOPER: Point of order.

PRESIDENT CASSELL: State your point of order.

SECRETARY COOPER: Mr. Chairman, would you please read that section of the rules with regard to extension of debate. There seems to be some unclarity out there, and I'd like it cleared up.

PRESIDENT CASSELL: I sense no unclarity on the part of the maker of the motion or the chairperson himself.

SECRETARY COOPER: There's unclarity on my part. For me, would you please read it.

PRESIDENT CASSELL: Mr. Baldwin.

DELEGATE BALDWIN: I would like, for the secretary's benefit, sir, to explain. The rule--

SECRETARY COOPER: I don't want an explanation. I want a reading, word by word.

PRESIDENT CASSELL: You will have to allow him to respond in his own way. Otherwise you're being obstructive, and there's some question as to why you want to be obstructive.

SECRETARY COOPER: No. My point of order was that

I just wanted a simple reading. I didn't want his explanation. I wanted it read verbatim from the rules--

PRESIDENT CASSELL: I'm afraid you can't demand that.

SECRETARY COOPER: --so that there is no question as to what procedure we should be following.

PRESIDENT CASSELL: Mr. Baldwin.

DELEGATE BALDWIN: Mr. President and fellow delegates, the rule that our secretary is referring to pertains to debate. And the issue at hand is question and answer, which is not debatable, but we agreed Monday night that the question and answer period would not be debatable, that you're only asking for clarification. So, it's not a debate. And that particular rule, as I see it, would not apply to this.

SECRETARY COOPER: I didn't say it was a debate. There's a rule that states how the question and answer period can be extended.

PRESIDENT CASSELL: Delegate Simmons.

DELEGATE BALDWIN: Delegate Robinson and Delegate Simmons.

DELEGATE ROBINSON: Subsection I-C: At no time will the total period for question and answer exceed 75

minutes--is a gag rule that--

SECRETARY COOPER: You're doggone right it's a gag rule.

PRESIDENT CASSELL: Mr. Secretary, I'm going to stop this convention until you learn some respect, first of all, to your colleagues and for our purpose. You have been disrupting this convention for many, many weeks. There is a procedure. You talk about the rules. Now, I expect you to follow that procedure. You cannot be heard unless you respect the rest of us. If I have to stop this convention in order to ask you to be expelled until you learn some respect, I'm going to have to do it. Now, please.

Delegate Baldwin.

DELEGATE BALDWIN: Delegate Robinson, the motion on the floor and what you should be addressing yourself to is Delegate Jackson's amended motion and not the original motion. His amended motion, if it passes, does not allow any limitation to how long we debate if two-thirds of the body sees it necessary.

DELEGATE ROBINSON: Well, first of all, it says, sir, that the--Chapter 6.1 says that rules may be amended, and this definitely is an amendment to the rules. And there is a procedure for amendment to the rules. And I question

why this body, for the sake of expediency, takes this issue up at this present time without going through the channels.

DELEGATE BALDWIN: Monday night we spent 97 minutes and I'm sure, with your computation, you would say that exceeds 30 minutes. Last night by the president's own admission, we spent two hours and 20 minutes. And I'm sure by your computation that was above and beyond the rule. So, I quite don't understand your point. Are you saying we should just continue to violate the rule every night? And how does that differ from what 75 minutes is saying?

DELEGATE ROBINSON: I'm saying that if this body wants to incorporate Section C as amended by Delegate Jackson, that there is a procedure for so doing.

DELEGATE BALDWIN: Thank you very much. You have spoken your opposition, and it has been recorded as such.

Delegate Simmons.

DELEGATE SIMMONS: It is my understanding, Mr. Chair, that under Article 3.3B, which is the first reading of the proposed articles, it states at number two that at commencement of each first reading of ten to thirty minutes, subject to extension by convention vote. Hence, the amendment is quite compatible with this rule which obtains with regard to the first reading, which is the point in time of the

progress of this convention at this moment. And while Delegate Robinson's point is well taken, I believe it's the expedience based on the history and experience of two days, two days in session that calls for underscoring and employing ways to be compatible with our rules. I am extremely in favor of the amendment to the resolution.

DELEGATE BALDWIN: Delegate Garner, Delegate Eichhorn, and Delegate Rothschild.

DELEGATE GARNER: Thank you. I also speak in favor of the motion, and I believe our experience suggests it's a good idea. I also would like to request, when would it be appropriate to add a section concerning the number of questions an individual questioner may ask? Could that be between C and D? And, if so, I would like to be recognized for that purpose at that time.

DELEGATE BALDWIN: At the end of the report you may get permission from the floor to do such.

Delegate Eichhorn.

DELEGATE EICHHORN: I'd like to rise in support of Delegate Jackson's amendment. I think that it allows us the flexibility if there is a circumstance in which two-thirds believe that extended debate is desirable. But I want to express my appreciation to Delegate Baldwin for presenting

us with these proposals. Even if they are already in the rules, it's useful for us in the course of this debate to review them, to refresh our memory in terms of what procedures we're now going to follow, and to redefine some of the procedures further so that we can move foward orderly and clearly. I think it's very useful. And I hope people will approach the remainder of this debate in that manner.

DELEGATE BALDWIN: Thank you, Delegate Eichhorn.

Delegate Garner, you have spoken, haven't you? The count thus far is three in favor and one in opposition. Does someone else, according to our rules, would like to speak in opposition? Delegate Rothschild.

DELEGATE ROTHSCHILD: I'd like to restate the fact that I think this is not in accordance with our rules and our procedures for amending the rules. We have nothing in there about a 75-minute limit. So, I think we are out of order in even dealing with this issue. I have not seen it on any agenda. I have not seen any agenda for today.

I would also like to state that a 75 limit is way out of line with what other constitutional conventions have devoted to their discussions to articles, and that that at best is only a small fraction of the time that was really devoted to debate of articles. And I think we're starting to

get into a very cursory process of limiting ourselves and limiting the consideration we should be giving to the job that we're doing.

DELEGATE BALDWIN: Thank you, Delegate Rothschild.

DELEGATE ROTHSCHILD: And I would like a ruling on the point of order.

DELEGATE BALDWIN: But the issue on the floor really is in excess of 75 minutes. But thank you anyway. Your statement will be recorded as one in opposition. We are within our rules. We have heard more than two for--

DELEGATE ROTHSCHILD: I would like a ruling on my point of order that by limiting the debate, we are setting up absolute changes in the rules on time.

PRESIDENT CASSELL: Mr. Baldwin, may the president make a ruling on that?

DELEGATE BALDWIN: Sure.

DELEGATE ROTHSCHILD: And also that this is not on the agenda.

PRESIDENT CASSELL: Well, one at a time now. Delegate Simmons has read that specific rule to you, and it indicates that the time shall be between 5 and 30 minutes, unless extended by the convention. In the beginning Mr. Baldwin said these procedures are not in conflict with

Chapter 3. What he says--he is proposing that the extension be limited. The purpose of that is not to extend debate. The purpose of that is to avoid what happened last night. I would assume that none of us wants a repeat. I know you don't want a repeat of the chaos we had last night because of no limits; we could have gone on forever talking about one. So, whereas the rules permit the extension by vote, he is simply saying let us limit that extension to a specific amount. The convention can vote that up or down. But it's not a change in the rules. It's a specification. I would request that everybody understand that the purpose of this is not to stimulate more debate and to make it impossible for us to start tonight, but to avoid the kind of disruption and chaos that we were subject to before.

DELEGATE JACKSON: Point of information, Mr. Chairman. Mr. Baldwin, as I understand this, this is not debate, but on the question. I think the words are being used wrong. This is on the question. It has nothing to do with debate.

DELEGATE BALDWIN: Right, yes. Thank you, Delegate Jackson. I stated that several times. Delegate Mason, did I see your hand, Delegate Hilda Mason? Did I see your hand at one time?

DELEGATE H. MASON: Mr. Chairman, I just wanted a clarification. This is not on--debating on--this is only an answering of the question.

DELEGATE BALDWIN: Only on the question asked here.

DELEGATE H. MASON: Thank you.

A DELEGATE: Question.

DELEGATE BALDWIN: Question has been called for. Those in favor of I-C, signify by saying, "Yes."

DELEGATE EICHHORN: It's the amendment. It's the Jackson amendment.

DELEGATE BALDWIN: I'm sorry. I'm sorry. Those in favor of the Jackson amendment to I-C, signify by saying, "Yes." [Response]

Those opposed, "Nay." [Silence]

The ayes have it and so ordered.

Delegate Corn, the amendment was to--if we exceed 75 minutes, it would have to be by a two-thirds vote.

Delegate Garner.

DELEGATE GARNER: Mr. Chairman, have we completed I-C?

DELEGATE BALDWIN: Yes. There's a I-D.

DELEGATE KAMENY: We haven't adopted I-C as such.

DELEGATE BALDWIN: Pardon?

DELEGATE KAMENY: We just adopted the amendment. We haven't adopted I-C as such.

DELEGATE BALDWIN: Yes, right. Delegate Kameny has reminded me we've only adopted the amendment. We are now back to the original motion.

DELEGATE KAMENY: As amended.

DELEGATE BALDWIN: As amended. We are now voting on the original motion as amended, which reads: At no time will the total period question and answer exceed 75 minutes unless there's a two-thirds vote confirming such of those present and voting.

DELEGATE CORN: I have a point of order.

DELEGATE BALDWIN: Are you ready for the question?

DELEGATE CORN: Point of order.

DELEGATE BALDWIN: Yes, Delegate Corn, will you state your point of order, please.

DELEGATE CORN: I am sorry to have come in late to this debate. However, it seems to me, having drafted the final version of the rules, that this is a complete reverse of what the rules state. I don't know how you're doing this tonight without having followed the rules of circulating it two days in advance to all the members or giving it to the chairperson of rules and calendar for four days. That's not

what the rules say, and you're making a change in the rules here and now without following the procedure outlined in our rules.

DELEGATE BALDWIN: The convention has heard that argument from two other delegates, but the majority of the delegates present and voting ignored it. Are you ready for the question?

DELEGATE CORN: Oh, this is too much.

DELEGATE ROTHSCHILD: I would like to speak.

DELEGATE BALDWIN: You would like to speak to what, sir?

DELEGATE ROTHSCHILD: To the motion that's on the floor.

DELEGATE BALDWIN: Okay, you may speak.

DELEGATE ROTHSCHILD: I am against the motion of adopting C and I'll tell you why--because the amendment we have just accepted to C is directly in opposition to the intent of Robert's Rules of Order and the way bodies deliberate. Usually a two-thirds vote is required when you take something away, not to extend it. So, we are doing the reverse of that. We are using two-thirds to open something up to debate, whereas usually it takes two-thirds to close it down. So, I want to say we are going in the complete

opposite direction of democracy and the intent of Robert's Rules of Order for good debate.

DELEGATE BALDWIN: Thanks, Delegate Rothschild. Are there other unreadiness to the motion that's on the floor?

DELEGATE CORN: One more point of order. Since this is a change of rules, it requires two-thirds of all delegates.

DELEGATE BALDWIN: Delegate Corn, yours is not a point of order. It is not a change of the rules. That is your interpretation. I stated earlier that the majority of this body present and voting ruled that that's not a point of order. That's not a change of rules.

Are there other unreadiness? Delegate Simmons.

DELEGATE SIMMONS: Mine is only a point of clarification. I think that people do need to understand that what is being presented are not rules. They're procedures. Procedures means they have a very temporary life and that they are--and especially when they are not at variance with our rules, then they are in order. But they are temporary and not binding forever. That needs to be understood, I believe.

DELEGATE BALDWIN: Thank you. Are there other

unreadiness?

SECRETARY COOPER: Yes, point of procedure.

DELEGATE BALDWIN: Delegate Clarke.

SECRETARY COOPER: Point of procedure takes precedence.

DELEGATE CLARKE: I withdraw.

DELEGATE BALDWIN: Thank you. Delegate Cooper.

SECRETARY COOPER: As Delegate--

DELEGATE BALDWIN: Would you state your point of procedure.

SECRETARY COOPER: Yes. As Delegate Rothschild just pointed out and it's clear to us all that where our rules are silent, Robert's Rules prevail. So, if our rules are silent on what it would take to extend this debate, then we should be following the provisions as provided in Robert's Rules, and I don't think we're doing that, Mr. Baldwin.

DELEGATE BALDWIN: Our rules are not silent on what it takes to extend. It's very clear

SECRETARY COOPER: If they are not silent--if they are silent, this is out of order; and if they're not silent, it's out of order. So, which is it? So, which is it?

PRESIDENT CASSELL: Mr. Baldwin, may I--

DELEGATE BALDWIN: We would like to proceed, sir.

SECRETARY COOPER: May I have an answer to that question, please?

DELEGATE CORN: Point of information. May I ask you, sir, was a vote taken--

DELEGATE BALDWIN: I have not recognized you, Delegate Corn. Delegate Garner.

DELEGATE GARNER: It's not going to help, but I would like to call the question.

DELEGATE SIMMONS: I second the call of the question.

DELEGATE CORN: Point of information.

DELEGATE BALDWIN: The question has been called for.

DELEGATE CORN: Point of information.

DELEGATE BALDWIN: Your point of information, Delegate Corn.

DELEGATE CORN: Has there been a vote to determine whether or not this body sees these procedural changes as changes in the rules, yes or no?

DELEGATE BALDWIN: Yes.

SECRETARY COOPER: There has not been. He just flat out tells a lie that time.

DELEGATE ROTHSCHILD: Point of order. The

president did not speak to my comment that this is not on the agenda and we have not received an agenda an agenda for today.

DELEGATE BALDWIN: Once the previous question has been called for, it is not debatable.

DELEGATE ROTHSCHILD: It's a point of order.

DELEGATE BALDWIN: Once the previous question has been called for, we will now vote. Those in favor of the previous question, signify by saying, "Yes." [Response]

Opposed, "Nay." [Response]

The yes have it. So ordered.

Delegate Garner.

DELEGATE GARNER: Mr. Chairman, I'd like to add a new Section C--I mean, a new Section D and move what is now D to be E. I believe this is the appropriate place to do it. And that section would read: Upon recognition, delegates may ask no more than two questions, both of which must pertain to the same section of the article under consideration. All delegates interested in asking questions--

DELEGATE BALDWIN: I'm sorry, we can't hear for the secretary.

DELEGATE GARNER: After all delegates interested in asking questions have had an opportunity to do so, a

delegate may be recognized again. I move that, Mr. Chairman.

DELEGATE BALDWIN: Mr. Secretary, will you read back the suggested motion.

SECRETARY COOPER: I didn't hear the suggested motion. I'd like to see it in writing.

DELEGATE BALDWIN: Mr. Garner, I'm sorry, we couldn't hear your motion because our secretary was very busy talking.

I will ask the secretary to read the motion before the floor.

SECRETARY COOPER: Upon recognition--

DELEGATE BALDWIN: Delegate Corn and Delegate Rothschild, would you keep quiet. You're out of order. The secretary is attempting to--

DELEGATE ROTHSCHILD: But I haven't had a point of order addressed.

DELEGATE BALDWIN: I'm sorry, Mr. Secretary.

SECRETARY COOPER: Upon recognition, delegates may ask no more than two questions, both of which must pertain to the same section of the article under consideration. After all the delegates interested in asking questions have had an opportunity, a delegate may be recognized again.

DELEGATE BALDWIN: Was it seconded?

A DELEGATE: Second.

DELEGATE BALDWIN: Does each delegate understand the intent of the motion? Does each delegate understand the intent of the motion? The answer is yes.

DELEGATE BRUNING: Point of information.

DELEGATE BALDWIN: Point of information?

DELEGATE BRUNING: Yes. Simply I just wanted the word "section"--are we talking about the entire article?

DELEGATE BALDWIN: The section of an article.

DELEGATE BRUNING: Section of an article?

DELEGATE BALDWIN: Yes. See, an article is divided into sections.

DELEGATE GARNER: The intention of the motion is to give as many delegates as possible within the time allowed a chance to ask questions. If delegates have questions, they should ask their most important one first. That is the intent.

DELEGATE BALDWIN: We have heard the motion with its clarification. Are there any other points of information and clarification? Delegate Corn.

Delegate Bruning and Delegate Mason, Charles Mason, and Delegate Kameny. Delegate Bruning first.

DELEGATE BRUNING: I very much agree with the

concept of keeping the questions to allow as many people to speak as possible. I have problems though limiting it to a section. A delegate may very well have two questions from entirely different sections of the entire article. I think it's arbitrary to--

DELEGATE GARNER: This is an amendment I shall accept.

DELEGATE GARNER: I would say they would have to deal with--the two questions would have to be on the article as opposed to on the section.

DELEGATE SHELTON: Is that an amendment?

DELEGATE GARNER: That's an amendment.

DELEGATE SHELTON: I second that.

DELEGATE BALDWIN: Delegate Mason, Charles Mason--I'm sorry. Was that a motion, Mr. Bruning?

DELEGATE BRUNING: Yes, I would move that--no, I'll withdraw that.

DELEGATE BALDWIN: Okay. Delegate Charles Mason.

DELEGATE C. MASON: My question was somewhat related to Bruning's question. It was this. I was trying to determine whether the original meant that you could ask only two questions, with the exception of their status, with respect to a particular section, or when they finish that

section and you go on to some other section, you can then ask two questions regarding the other sections. In other words, the fact you ask two questions on section one doesn't have any bearing on how many questions you may ask with respect to section two.

DELEGATE BALDWIN: Delegate Garner, can you clear up this point?

DELEGATE GARNER: The intention of the motion as stated is to allow, upon recognition, delegates to ask two questions. As originally stated, that meant that they could do that only about a single section. They could rise and ask questions about a single section, not for each section. I have, upon hearing the comments of Delegate Bruning and I believe the comments of Delegate Mason, I will be happy to remove the words reading "both of which"; if the secretary will read that so that the delegates--the motion would now read that delegates may only ask two questions, period, if that would be acceptable to the body and the seconder of the motion.

DELEGATE BALDWIN: Mr. Secretary, would you read the amended motion or the reworded motion.

SECRETARY COOPER: I think we're really hearing an amendment proposed.

DELEGATE JACKSON: Point of information, Mr. Chair. As I understand, the rules allow--the rules say that no person may speak more than twice on any matter until others have spoken. So, it's completely in conjunction to what Mr. Garner is stating. And I don't see why we should--how much debate is. If that's what he means. I think that's what he means.

DELEGATE BALDWIN: I think Delegate Jackson's point is well taken. I think he's right, and we could probably take this by consensus, whatever the body thinks.

But Delegate Jackson has said in fact we do have a rule that pretty much states that. Delegate Long.

DELEGATE LONG: I checked the rule. It only applies to the motions; it doesn't apply to the question period, which is what we're dealing with.

DELEGATE BALDWIN: Thank you. Any other question regarding the clarification of the motion? Delegate Mason.

DELEGATE C. MASON: I'm still unclear as to how long does two last. In other words, when you start counting over again, is it a whole article? Is it a whole evening? What is it?

DELEGATE BALDWIN: Delegate Mason, the question and answer is dealing with an article. That's the first thing,

dealing with an article. That question might be at section 21, the first question. It might deal with section 1, whatever. The intent was, as I understand the intent of the maker of the motion, was that they would limit during that question and answer period each delegate to two specific questions.

DELEGATE EICHHORN: Point of information.

DELEGATE BALDWIN: That's the intent of his motion. And during that question and answer session, whether it's 30 minutes, 40 minutes, 45, 75, a delegate would be limited to two questions. Delegate Eichhorn.

DELEGATE EICHHORN: It just occurred to me that these procedures for dealing with each individual article may create procedures for dealing with some committee reports that are unwieldy. I would assume that some committees--economic development, for example, I understand, has a series of small articles. And I wonder if we aren't really speaking in terms of committee reports rather than articles because if we extend the time of debate for individual articles and a particular committee drafts five or six--

DELEGATE BALDWIN: There are two committees that should, and will probably have more than one article.

That's suffrage and the housing one that you stated.

DELEGATE EICHHORN: Health and housing and human services.

DELEGATE BALDWIN: Well, I'm saying that's the same one. That's one committee, and I'm saying they would have more than one article.

DELEGATE EICHHORN: So would economic development.

DELEGATE BALDWIN: Well, I'm not sure economic development. I don't understand why it would have more. It shouldn't have any more. But let's deal specifically with what is. There are two committees, two substantive committees that have been given a charge that exceeds more than one article. So, we understand, when they make their presentation, that you are dealing with more than one article.

SECRETARY COOPER: Point of information, Delegate Baldwin.

DELEGATE EICHHORN: But I'm asking if this applies to a presentation or to--

DELEGATE BALDWIN: You can only deal with one article at a time. So, we all understand if it says an article. An example would be when suffrage, if they're talking about election and ethics, that's one article, however they have it. Then you'd have two questions for that.

When they move to the second article, you'd have two questions for that. When they move to that third article, you would have two questions for that. So, in reality when you discuss election and suffrage, whatever it's called, a delegate could very well in toto raise six questions regarding that whole committee.

DELEGATE GARNER: Point of clarification, Mr. Chairman.

DELEGATE BALDWIN: Delegate Kameny.

DELEGATE KAMENY: My previous comments have been taken care of. So, I want to move the previous question.

SECRETARY COOPER: I raise a point of information.

DELEGATE KAMENY: On the new--Delegate Baldwin, that's on the new proposed subsection D.

DELEGATE BALDWIN: Right. Delegate Cooper, you have a point of information?

SECRETARY COOPER: Yes. Are we still speaking about the Garner amendment?

DELEGATE BALDWIN: Yes.

SECRETARY COOPER: Okay, because there seems to be some confusion. Because the rules on debate on motions don't apply, there seems to be a hole here that would allow a delegate to ask a question, but that question could be a

75-minute question, and there was nothing we could do to stop him from asking that. Or he could ask a 30-minute question, and we could extend--he could ask a 45-minute question. And that would be his two questions. And the rules regarding amendments and motions would not apply. We couldn't limit his time. So, I would suggest that maybe we would want to put some kind of time limit in there too.

DLLEGATE BALDWIN: Thank you for your observation.

Delegate Garner.

DELEGATE GARNER: Could the motion on the floor be read before we vote on calling the question?

DELEGATE BALDWIN: Just prior to the reading of the motion, Delegate Rothschild had his hand up. Delegate Rothschild.

DELEGATE ROTHSCHILD: Thank you. Yes, I would like to speak against the motion because--

DELEGATE BALDWIN: I'm sorry, we're not at that point yet. We're at clarification now to be sure everyone understands. Mr. Secretary, you may read it.

SECRETARY COOPER: You want to read the Garner amendment?

DELEGATE BALDWIN: Yes, please.

SECRETARY COOPER: Upon recognition, delegates may

ask no more than two questions, both of which must pertain to the same section of the article under consideration.

DELEGATE BALDWIN: No, he revised it. That's when I asked did you get his revision.

SECRETARY COOPER: Yes, but, Mr. Baldwin, as you pointed out yesterday, to make an amendment or substitute, just like it's stated down here in your minority proposals under that--

DELEGATE BALDWIN: Sir, will you please read what is on the floor. That's all we ask.

SECRETARY COOPER: I am reading what's on the floor.

DELEGATE BALDWIN: But that's not on the floor.

SECRETARY COOPER: Yes. No one moves any amendment or substitute--

DELEGATE KAMENY: In that case--a point of order, Delegate Baldwin.

DELEGATE BALDWIN: Delegate Kameny.

DELEGATE KAMENY: I was recognized a few moments ago. I misunderstood then the situation. And in that case I would like to be recognized, so to speak, and move--

DELEGATE BALDWIN: Sure.

DELEGATE KAMENY: --and move the amendment to the Garner proposal to delete the words indicated by Delegate

Garner.

DELEGATE EICHHORN: Second.

DELEGATE BALDWIN: It has been moved and properly seconded that the words, as indicated by Delegate Garner, be deleted from the original motion.

SECRETARY COOPER: Which words? He has a whole bunch of them here.

DELEGATE GARNER: The words crossed out on the piece of paper in front of you, Delegate Cooper.

DELEGATE BALDWIN: Would you state the words.

DELEGATE EICHHORN: Both of which.

DELEGATE BALDWIN: Pardon?

DELEGATE EICHHORN: Both of which.

DELEGATE BALDWIN: Both of which.

DELEGATE B. MOORE: Can he reread it, please?

DELEGATE BALDWIN: Would you read it with those deletions, Mr. Cooper.

SECRETARY COOPER: I'm not making the motion. I can't state the motion until it's made.

DELEGATE BALDWIN: The maker of the motion will read the motion. That is not a point of order; I'll ignore you, Delegate Corn, and ask the maker of the motion to read the motion as amended.

DELEGATE GARNER: The motion as originally stated was: Upon recognition, delegates may ask no more than two questions, both of which must pertain to the same section of the article under consideration. After all delegates interested in asking questions have had an opportunity to do so, a delegate may be recognized again.

The amendment by Delegate Kameny is to delete certain words.

DELEGATE KAMENY: To delete the words "both of which must pertain to the same section of the article under consideration." I move that amendment.

DELEGATE SCHRAG: Second.

DELEGATE BALDWIN: Delegate Kameny, will you delete those words and then read it with the deletions.

DELEGATE KAMENY: All right. At the request of the acting chair, the motion on the floor now will read: Upon recognition, delegates may ask no more than two questions. After all delegates interested in asking questions have had an opportunity, a delegate may be recognized again.

DELEGATE BALDWIN: You've heard the amended motion. It has been seconded. What's your pleasure?

DELEGATE KAMENY: I move the question.

DELEGATE BALDWIN: The question has been called for.

DELEGATE ROTHSCHILD: I'd like to speak to the motion.

DELEGATE BALDWIN: Those in favor of the question--

SECRETARY COOPER: Point of order. We did not have any debate on the amendment.

DELEGATE BALDWIN: Pardon?

DELEGATE ROTHSCHILD: I'd like to speak to the motion.

DELEGATE BALDWIN: We're dealing now with the question of--the previous question.

DELEGATE ROTHSCHILD: Yes, but I'd like to speak to the motion.

SECRETARY COOPER: We didn't have two for and two against.

DELEGATE BALDWIN: But we have to decide on do we want to cut off debate now.

SECRETARY COOPER: But, Mr. Baldwin, he wants to speak. You can't cut him off.

DELEGATE BALDWIN: Okay, Delegate Rothschild, please speak.

DELEGATE ROTHSCHILD: Thank you. I am against adopting this because I think we are setting rules. I am also against this because it is not on the agenda. I am

against this because we are basically setting up an atmosphere of railroading things through, not necessarily just on this particular motion, but on the series of things that we're adopting. And I'm afraid this is going to be known as the D.C. Constitutional Express here because things are just getting out of hand, and we're basically going to be limiting debate to where we won't even know what we're doing. And it's getting to that point right now. So, I am against it.

DELEGATE BALDWIN: Delegate Rothschild, your opposition is so stated and recorded. Delegate Bruning.

DELEGATE BRUNING: With all due respect to fellow delegate Rothschild, I think what we are trying to do--and I'd be the first one to vote against this if this is not what we are trying to do--I think we are trying to set up an orderly process in which as many delegates as possible in a fairly consistent and logical manner are allowed to present their concerns to this convention. I don't think that we are arbitrarily stepping on the toes of any delegate. There are clearly ways for delegates to get concerns raised by having other delegates raise them if they have not yet been addressed in their questions. So, I don't see this as a railroading. I see this as a possible extension of the rights of everyone. Unfortunately the procedures, if abused, can be used as a

railroad or can be used as a delaying tactic. I hope that is not the purpose.

DELEGATE BALDWIN: Your remarks will be recorded as one in favor of the motion. Delegate Garner. I'm sorry, Delegate Moore, Brian Moore.

DELEGATE B. MOORE: I appreciate what Mr. Druning is saying, and I basically agree with him. But I am more concerned--and I'd like a response from Mr. Baldwin on this--could you give me your explanation again as to why you feel this is not contrary to the rules?

DELEGATE BALDWIN: What are you referring to?

DELEGATE B. MOORE: That is, if there's a change in the rules, it should go through the procedures of two days' notice, et cetera. It appears to me that this is a change in the rules.

DELEGATE BALDWIN: If you're speaking of the now new D as presented by Delegate Garner, it is not in violation, it's not change of a rule. So, you'd have to state what rule is being changed.

DELEGATE B. MOORE: This whole procedure here is an amendment to the rules.

DELEGATE BALDWIN: What rule, what specific rule?

DELEGATE B. MOORE: The specific rule of allowing

open discussion on a majority or the minority reports in the convention.

DELEGATE BALDWIN: No, we're dealing, sir, with the procedure--it has nothing to do with that--with a procedure and a rule that will govern presenting proposals to the floor.

DELEGATE B. MOORE: Well, what's the difference between--

DELEGATE BALDWIN: Thank you, sir, your comments have been recorded.

DELEGATE B. MOORE: Mr. Baldwin, what is the difference between a committee proposal and a majority report?

DELEGATE BALDWIN: One deals with a motion, not with a proposal. One is a presentation of proposals which may or may not deal with motions. And we're also dealing specifically with the question and answer period, which is not debatable. In other words, it's to clarify. If you present a section and you say: It isn't clear to me what is meant by such and such--then the committee member then will explain that. And, as we said earlier, this is not a debate. That has been our theme all along in the question and answer period. So, don't try and equate that with the rules

that govern motions and so forth and amendments and substitute amendments to a motion on the floor.

SECRETARY COOPER: Point of information.

DELEGATE BALDWIN: Yes, Delegate Cooper.

SECRETARY COOPER: Because this amendment on the floor would usurp a privilege of a delegate, would this take two-thirds to pass?

DELEGATE BALDWIN: What privilege is being usurped?

SECRETARY COOPER: The delegate would be limited to only asking two questions.

DELEGATE BALDWIN: That's not a privilege being usurped.

SECRETARY: Sure, that's a privilege, if we have an open question and answer period.

DELEGATE BALDWIN: Delegate Kameny.

DELEGATE KAMENY: As I interpret what is on the floor at the moment, it takes nothing from any delegate. It merely structures the manner of the asking of the question in a way which is in no sense inconsistent with what the rules say. The rules simply say the time will be set aside for answering questions. And this proposal still allows a second and, if appropriate, a third and a fourth and a fifth round for delegates to get up and be recognized and ask

questions. It simply structures the asking. And, therefore, it takes nothing away, nor does it really substantively amend what is here. It simply structures what is already in the rule to provide for more orderly procedure and a more efficient one, in my personal view.

DELEGATE BALDWIN: We have had three delegates' remarks which can be interpreted as opposed, and two for. Are there others who would like to speak to--

SECRETARY COOPER: Who were those that were opposed?

DELEGATE BALDWIN: I said whose remarks can or may be interpreted by the chair.

SECRETARY COOPER: But I'd like to know who those three are.

PRESIDENT CASSELL: Delegate Cooper, you are out of order. You have not been recognized.

DELEGATE BALDWIN: Sir.

DELEGATE CLARKE: I move to close debate on this thing so we can get to writing the constitution.

A DELEGATE: Second.

DELEGATE BALDWIN: It has been moved and properly seconded that we close debate. Those in favor, signify by saying, "Aye." [Response]

Opposed, "Nay." [Silence]

Debate has been closed. Therefore we vote on the new item D.

DELEGATE ROTHSCHILD: You need two-thirds to close debate. I didn't hear two-thirds.

DELEGATE BALDWIN: Those in favor of the motion that's on the floor, signify by saying, "Yes." [Response]

Opposed, "Nay." [Silence]

The yes have it, and item D has been adopted.

The final item is item E, which is the old D: Formal debate must begin at the end of the question and answer period, with the chair or its designee moving the adoption ad seriatim.

DELEGATE SIMMONS: Second.

DELEGATE BALDWIN: It has been moved and properly seconded that we adopt the new item E. Delegate Garner.

DELEGATE GARNER: Is it my understanding that on item D that a motion once moved by the chair is in fact moved and divided by sections? Is that what you mean by moving the adoption ad seriatim?

DELEGATE BALDWIN: Yes, sir. In fact, those of you who know, our minutes will reflect last night that you voted on this particular article anyway. And I just stated

I just took action, past action, that we voted on last night. One of the last actions we did last night was to do just this.

DELEGATE GARNER: And the question is further related to II-C. If somebody has a motion which is a substitute motion, must they get the floor immediately upon submission of the original proposal, or will the entire article be voted on at the end, at which time a substitute motion is appropriate? I want to be clear on this point.

DELEGATE BALDWIN: Sir, this deals with the question and answer session, and I doubt that there would be any action like that. And if there were, we would follow our rules that deal with substitute motions.

Item II, minority proposals: A minority proposal is a proposal, presented one or more committee members (less than one-half of that group), that has met all of the requirements of Rule 3.2.

DELEGATE KAMENY: A point of order.

DELEGATE BALDWIN: Yes.

DELEGATE KAMENY: Perhaps I missed something. Did we formally adopt what is now section I-E?

A DELEGATE: Yes, by consensus.

DELEGATE BALDWIN: Yes, we did.

II-A: The minority proposal must be offered on the floor either as an amendment or a substitute for the committee proposal. The presenter must state whether it is an amendment or a substitute proposal.

That first sentence comes verbatim from your rule. It doesn't require any discussion, and we're at the last sentence of II-A: The presenter must state whether it is an amendment or a substitute proposal.

As you know, your rule states that the minority report must be either an amendment or a substitute motion. What is your question now?

DELEGATE KAMENY: Just for clarification and knowing how to vote, how are you distinguishing in this between an amendment and a substitute motion?--just so that I know where we're at.

DELEGATE BALDWIN: An amendment or a substitute proposal?

DELEGATE KAMENY: Substitute proposal. How are you distinguishing?

DELEGATE BALDWIN: That language comes from our rules. And my interpretation is that a substitute proposal would be a proposal that is to take the place of the committee's proposal. An amendment would be an amendment to a

particular section or sections of the proposal, of the committee's proposal.

DELEGATE KAMENY: That would be my own interpretation as well. I just wanted to make sure that that's a common agreement at this point rather than having it arise later on.

[At this point the president rapped the gavel.]

PRESIDENT CASSELL: Mr. Baldwin.

DELEGATE BALDWIN: Yes.

PRESIDENT CASSELL: I think that was a very important and clear distinction. There was lots of buzzing there. Could you have the previous speaker repeat that for purposes of clarity because we'll need that throughout the night.

DELEGATE BALDWIN: Delegate Kameny, will you please state for the body the difference between a--

PRESIDENT CASSELL: [Rapping gavel] Let me ask for everybody's attention. Now, this is a very important distinction.

DELEGATE BALDWIN: --an amended proposal and a substitute proposal.

DELEGATE KAMENY: I would be perfectly glad to do it. You provided the language in fact. I'll take over what

you said if you wish. The question was a distinction between a substitute proposal and an amendment. And the response was that an amendment is in the nature of a proposed change to a section or a subsection of the whole article, whereas a substitute proposal is in the nature of a substitute for an entire article. Is that a proper rendition of the sense of what you said?

DELEGATE BALDWIN: Right.

Delegate Moore.

DELEGATE B. MOORE: I was going to say that I had exactly the same concern, but it seems to be clarified now.

I was just wondering, if you added the word "whole," substitute the whole--

DELEGATE BALDWIN: Substituted what?

DELEGATE B. MOORE: Of the whole, could it be clarified more?

DELEGATE BALDWIN: I think proposal takes care of it. The proposal is included in that, is the whole.

DELEGATE B. MOORE: It's the same intention, same meaning.

DELEGATE BALDWIN: Yes, sir.

So move the adoption of the second sentence of II-A.

DELEGATE KAMENY: Second.

DELEGATE BALDWIN: It has been moved and properly seconded that the last sentence of II-A be adopted. Ready for the question?

DELEGATE CORN: Point of information.

DELEGATE KAMENY: The whole of II-A.

DELEGATE BALDWIN: Yes, the whole of II_A, right.

DELEGATE CORN: Point of information.

DELEGATE BALDWIN: Yes, Delegate Corn.

DELEGATE CORN: What about in a minority report; if most of it is comprised of amendments to specific sections but one section of the minority report is a complete substitute proposal for an entire article or articles?

DELEGATE BALDWIN: An article is made up of sections. So, I don't quite follow what you're asking.

DELEGATE CORN: In other words, let's say the committee's report has 12 articles and the minority report--

DELEGATE BALDWIN: A committee report would not have 12 articles. Do you mean an article would have 12 sections?

DELEGATE CORN: Yes. Okay, in the minority report there are ten amendments which are very specific amendments

to certain parts like changing five years to ten years, things like that. But there is one part of the minority proposal which says: I'd like to substitute sections 9 and 10 for this new section. How would the maker of the minority proposal--

DELEGATE BALDWIN: That's still determined an amendment because you're not substituting the whole. You don't have anything in place of the whole.

DELEGATE CORN: All right.

DELEGATE BALDWIN: Any other unreadiness? Delegate Eichhorn.

DELEGATE EICHHORN: I don't know whether the rules permit this, but I wonder if we should consider setting time limits here or if we should do it each evening as we proceed.

DELEGATE BALDWIN: Time limits to what now?

DELEGATE EICHHORN: To presentations. It seems to me that if a minority report from a committee has the support of one delegate, that it's fair to assign the presentation of that point of view a certain amount of time, whereas if it has the support of two delegates or three delegates, then it would warrant more time for presentation.

DELEGATE BALDWIN: We're dealing with the presentation of a minority report either as an amendment or a

substitute proposal. And I don't think we should put a time limit to that because he has been given a chance within our rules to have a minority report. We didn't limit--

SECRETARY COOPER: Point of clarification, Mr. Baldwin.

DELEGATE BALDWIN: We didn't limit the committee and its proposal to have a limitation. So, I don't think we should limit the minority also.

SECRETARY COOPER: Point of clarification.

DELEGATE BALDWIN: Sir.

SECRETARY COOPER: Mr. Baldwin.

DELEGATE BALDWIN: Yes.

SECRETARY COOPER: I think that that might have been wrong because--

DELEGATE BALDWIN: What might have been wrong?

SECRETARY COOPER: --if a delegate offers a minority report as a substitute motion or as an amendment, it gets treated in debate like any other motion, and he's limited to five minutes. So, his presentation is limited on any motion or amendment.

DELEGATE EICHHORN: Is that correct?

SECRETARY COOPER: You're doggone right that's correct.

DELEGATE BALDWIN: Are there any other unreadiness to the motion? Delegate Johnson.

DELEGATE JOHNSON: It's my understanding that a committee, a full committee, has a total of five hours to present their committee proposal.

DELEGATE BALDWIN: That is not true. Our rules don't say that.

DELEGATE JOHNSON: Well, my point is that--

DELEGATE BALDWIN: Your five hours comes from the body that started to meet and convene for a total of five hours each night until we deal with our proposals. We didn't say that all five hours would be spent allowing the committee to present that. I haven't seen that anywhere.

DELEGATE JOHNSON: Very well. My point--

DELEGATE BALDWIN: Are there other--are you speaking to an unreadiness of this particular motion?

DELEGATE JOHNSON: Yes.

DELEGATE BALDWIN: Would you please state your unreadiness.

DELEGATE JOHNSON: My unreadiness is exactly as Delegate Eichhorn has stated that unreadiness in that there is no time limit stated here for the presentation of a minority proposal. And it seems to me as though this is the

area where we were bogged down yesterday. It seems to me that a minority proposal could take as long as the presentation of a regular committee report. And I would think that we would want to amend that so that we do have some time limits on the presentation of the minority proposal.

DELEGATE BALDWIN: I can't prevent you from coming out with a motion to amend. I'm just stating that you don't have those kind of restrictions on the committee report. And if you understand your rules, by the time it reaches the floor, the minority proposal has met all of the rules in getting it there. But I can't keep you from saying you want to limit the amount of time spent.

SECRETARY COOPER: Point of personal privilege. Mr. Baldwin, can I kind of clarify that?

DELEGATE BALDWIN: That's just my answer to you.

SECRETARY COOPER: Point of personal privilege.

DELEGATE BALDWIN: Yes, sir.

SECRETARY COOPER: A minority report, Mr. Baldwin, if it's submitted on time, is part of the committee report. It's not separate and distinct. It is part of the committee report. And any part of that minority report can be offered as a substitute on an amendment.

DELEGATE BALDWIN: I understand all of that, sir.

SECRETARY COOPER: If it is offered as a substitute or an amendment, it only gets five minutes and subject to the same limitations of any other motion.

DELEGATE BALDWIN: Where do we get the five minutes from?

SECRETARY COOPER: In our rules. You limit it to five minutes of debate, you know, two for, two against, speaker may speak last--all that good stuff.

DELEGATE BALDWIN: Well, then, those rules would apply.

SECRETARY COOPER: You didn't make it clear on that.

DELEGATE BALDWIN: Any other unreadiness? Any other unreadiness? Any other unreadiness? Having heard none, we'll now vote.

Those in favor of II-A, signify by saying, "Yes." [Response]

Opposed, "No." [Silence]

The yes have it. So ordered.

II-B: If the minority proposal is to amend a section or sections of the committee's proposal, a motion to amend can only be made when the committee's section is on the floor for adoption. Is there any need for clarification?